

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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The Council meeting of the Borough of Wind Gap on Monday, April 4, 2011, was called to order at 7:30 p.m. by Council President Scott Parsons, in attendance were Councilmen: John Maher, Dave Hess, Kerry Gassler, George Hinton, Joe Weaver and Tony Curcio. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

No one appeared before Council at this time.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses for the month of March in the amount of \$18,164.38 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**SOLICITOR'S REPORT**

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of March are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** N/A.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** March 2, 2011 – Preparation for and Attendance at ZHB Hearing re: Reimer/PetroMart Appeal. March 29, 2011 – Preparation for and Attendance at ZHB Hearing re: Adams Outdoor Advertising.

**Developments on Outstanding Litigation:** Receipt, Review and Administration of Federal Court Lawsuit by Officer T. Dailey.

**Court Decisions on Borough Cases:** N/A

**Miscellaneous:** Receipt, Review and Administration of several and comprehensive e-mail and/or correspondence (with attached documents) and responsive e-mails re: Officer T. Dailey with responsive e-mails. Preparation of Comprehensive Correspondence to Dr. Levin re: IME of Officer Redmond. Preparation of Template Correspondence to Officer Redmond re: IME. Office Conference with Wind Gap Fire Company Representative (J. Yob) to Review Proposed Revisions to Fire Company By-Laws. Comprehensive Telephone Conversation with Police Chief, Receipt, Review and Administration of continuing Complaints re: Officer T. Dailey and Preparation of comprehensive e-mail transmission to Attorney W. Barish re: Officer T. Dailey. Legal Research, Review of Hearing Packet and Preparation of status fax transmission to Borough ZO re: Additional Documentation Request for Adams Outdoor Advertising ZHB Appeal No. 2011-02 – Enforcement Notice, Validity, Interpretation. Preparation of Monthly Solicitor's Report. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters and make and receive telephone calls.

**Outstanding Items:** Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending. Ordinance for loitering, begging and panhandling – pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive. Ordinance for Blight Remediation. Ordinance for Appalachian Trail Protection.

Ron updated Council with regard to litigation matters with the PPL Cell tower case. After additional negotiations and persuasion, Sprint has decided not to request the 150' tower and they have agreed to move their antenna, and PPL has agreed to move their cell tower if and when the road goes in at the full expense of PPL and Sprint. Ron will prepare a stipulation or agreement to be signed by the lawyers and that lawsuit will be concluded. The only other matters deal with various police and other personnel matters. Ron attended two hearings last month related to zoning. One was the PetroMart sign issue and the other was with regard to Adams Outdoor signs.

## **ENGINEER'S REPORT**

Brian Pysher reported that he got the field information gathered for A Street and Utica Avenue. He will be completing the paperwork to submit to PennDOT for handicap ramp installation prior to those streets being paved. He is putting together the specifications for Oak and Genoga and expects to have them for the mid-month meeting.

Brian hopes to have the Park basketball courts/tennis court resurfacing project specifications ready for the mid-month meeting.

Brian reported that he spoke with the workers down on First Street and with the weather breaking he is hoping the sidewalks will be installed shortly and that project continues to move along.

The Mayor asked if the street committee has Alpha Avenue on the repaving list for this year. Brian replied that Alpha Avenue was not on the list. The parameters included identifying streets that would fall within the Liquid Fuels budget amount and savings.

## **NEW BUSINESS**

1. Police Department Server. Chief Armitage explained that the computer provider (Integra) for the Police Department submitted a quote last year to replace the server because it is running out of capacity. Integra was on the phone with the Chief today and realized that the server has to be replaced as soon as possible. Integra provided the quote based on the State Contract price so it is not necessary to go out to bid for this item.

**On motion** by John Maher to replace the police server at a cost of \$5,840 and pay for this purchase out of the Capital Reserve administrative tipping fees and seconded by Tony Curcio. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, S. Parsons, T. Curcio. Opposed: J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 5-1-1.

2. Park Board. **On motion** by Scott Parsons to appoint Nathan Hinton to the Park Board and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

3. Kerry Gassler reported that he received a letter from Bruce Ott, Reagles, regarding having a towing list for call out. The Mayor stated that he received a call from Ken's Auto in Plainfield Township. Chief Armitage talked to other municipalities and had discussion having a rotating weekly schedule as opposed to a daily schedule. The Mayor added that Plainfield Township has one and Pen Argyl is talking about it. The Mayor and Chief will compile a call list of interested towing businesses keeping in mind the response time.

4. George Hinton reported that the Borough Street Committee received bids for the annual street sweeping. The three bids were from: Muschlitz \$125 per hour, Possinger \$110 per hour, but that includes \$85 travel each way and Hanson \$165 per hour. The street committee is recommending Muschlitz because they will use water on their property and will not have to utilize water in the Borough Park. The intent is to have the street sweeping scheduled for the end of April.

**On motion** by George Hinton to hire Muschlitz at a rate of \$125 per hour for a maximum of 40 hours and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

5. John Maher reported that the Municipal Authority will be cutting a check for \$1,000 for the money owed to the Borough from last year's paving projects. The topic will be brought up at the next Authority meeting to get approval to pay off the remaining balance.

6. The Mayor reported that he contacted the American Legion regarding putting Derek Holland's name on the monument.

## **OLD BUSINESS**

1. Animal Control Officer Ordinance. Scott Parsons reported that Council has a copy of the proposed ordinance. Ron Karasek stated that along with the enactment of the ordinance a related resolution must be adopted appointing an individual as the Animal Control Officer. This topic will be placed on the agenda for April 15, 2011.

2. Street Opening Ordinance. John Maher provided Council with a draft copy of a street opening ordinance that he created using the Bangor Borough ordinance as a guide. Ron has reviewed the draft of the ordinance and informed Council that they would have to make some policy decisions that would have to be incorporated into the ordinance. Brian requested that the ordinance specifically includes alleys. Ron stated that according to the Municipal Planning Code (MPC) it includes: streets, roadways, highways, boulevards, avenues, alleys, etc., anything that is used for vehicular or pedestrian traffic provided that it has been dedicated to the Borough and accepted by the Borough. Brian suggested that Council should consider including a section that the Council has the right to waive or amend any fees as they see fit. Ron stated that it can be specific to state that this ordinance does not apply to the Borough.

3. Funeral Condolences Guidelines. Scott Parsons provided an outline of condolence parameters and asked Council to review for the workshop meeting.

## **EXECUTIVE SESSION**

Council adjourned to Executive Session to discuss personnel issues at 8:05 p.m. Council reconvened at 8:21 p.m. Scott Parsons informed those present that no action would be taken at this time.

John Maher stated that the Street Committee will be meeting with the Municipal Authority regarding manhole covers.

**On motion** by Tony Curcio to adjourn the meeting of April 4, 2011 and seconded by John Maher. Council agreed unanimously.

The meeting of April 4, 2011 adjourned at 8:22 p.m.

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Louise Firestone, Borough Administrator